Amendments to the Drawings

None

Remarks

Applicant thanks the Examiner for the Written Office Action.

With regards to the substantive portion of the Written Office Action, Claims 6 and 17 were objected to due to informalities and substantial duplication, respectively; and Claims 19 and 20 were rejected under 35 U.S.C. 112. Claims 1, 3, 5, 6, 8, 9, 11, and 17 were rejected under 35 U.S.C. 102 (b) as being anticipated by Price (U.S. Patent No. 6,691,471). Claims 2 and 7 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Price in view of Trouselik (US 5,465,545). Claims 4, 10, 12-16, and 18 were rejected under 103 (a) as being unpatentable over Price. Claims 19-20 were rejected under 103 (a) as being unpatentable over Price in view of Grieb (US 3,330,080) and Higgins (US 3,133,838).

In response, the Applicant has amended the drawings, specification, and claims in accordance with the Office Action. The Applicant has amended paragraphs 30, 31, and 39; amended Claims 1 and 2; canceled Claims 6-20; and added Claims 21-34. Support for the amendments and added claims may be found in the specification and claims as disclosed previously, accordingly, the Applicant believes there is no new matter.

Specifically, regarding the colorant disposed within and incorporated as part of the matrix of the artificial cover, the application as originally filed includes description of the mold being painted with an alkyd based paint (colorant) (Paragraph 31). Further, the specification describes painting and/or coloring the mold with a variety of colors, patterns etc. (colorants) (Paragraph 31). The specification further states the mold is painted prior to adding the polyurethane (or cover material) and prior to the curing (or heating) period.

While the Applicant's original specification does not expressly include the colorant being included in the matrix of the polyurethane/cover material, the Applicant believes such a limitation is inherently included in the Applicant's original specification. Indeed, an application may later be amended to include inherent material if it is clear the missing descriptive matter was necessarily present in prior disclosure and would be recognized by one skilled in the art. See MPEP § 2163.07(a). In this case, placing two liquids in a mold (the paint/colorant + the polyurethane) and then curing the mold (applying heat), as disclosed in the Applicant's original specification, would physically combine the colorant and the polyurethane into a single structural matrix. Further, such physical combination of the colorant and the polyurethane is not a mere possibility or occurrence, but is a direct result of the process as originally described in the application. Such physical combinations of the paint/colorant and the polyurethane is not an obvious variation as it improves weather ability, structural integrity, prevents chipping away or fading of painting; which are vast improvements over merely painting and/or coloring the mold after curing. Indeed, the Applicant's original specification points toward these advantages, stating adding the paint/colorant prior to the curing includes the above mentioned improvements.

Further, the Applicant has amended the claims to include "three-dimensional rock pattern includes a plurality of three dimensional rock-shaped protrusions extending from the first side at acute angles". The specification, specifically figure 3 (shown on the following page), clearly illustrates three dimensional rock-shaped protrusions. Further, the protrusions are shown extending away from the cover at acute angles. The Applicant submits the acute angle extensions of the three dimensional protrusion is not an obvious

variation. The acute angle extensions provide the functional advantage of assisting to prevent cracking and/or breaking of the three-dimensional rock protrusion during the removal of the cover from the mold. In contrast, 90 degree protrusions can break and/or chip upon attempted removal. While this particular benefit was not expressly described in the original specification, the non-obvious advantages are physically inherent throughout the molding process. Further, the Applicant understands changes in shape, aesthetic appearance is generally considered obvious features, however, when considering obviousness, the invention as whole must be considered, including the molding process.

Response to 102/103 rejection

In response to the 102 and 103 rejections the Applicant has amended and/or added Independent Claims 1, 22, and 29. Specifically, Claims 1, 22, and 29 include the limitation of colorant disposed within and incorporated as part of the matrix of the artificial cover. None of the cited references teach, suggest or even motivate the addition of including the colorant/paint as part of the artificial cover material. Indeed, none of the cited art teaches, suggest or even motivate using color and/or painting. While Rygiel disclose using paints/colorants, Rygiel mere teaches painting the face of the panels. Nor is the limitation an obvious variant of any of the cited art, as the included limitation improves weatherability and structural integrity, prevents chipping away or fading of painting; which are vast improvements over merely painting and/or coloring the mold after curing, as previously described.

Additionally, the Applicant has amended the Claims to include "three-dimensional rock pattern includes a plurality of three dimensional rock-shaped

protrusions extending from the first side at acute angles". The Applicant respectfully submits Price fails to teach suggest, or even motivate a three dimensional rock pattern, and Price clearly does not teach suggest or even motivate three dimensional rock-shaped protrusions. Nowhere, is there mention of three dimensional rocks. In Price, the figures do illustrate a plurality of blocks (item 12). The spots are not three dimensional rock-shaped protrusions, but rather granules which are likely part of the mortar from which the blocks are constructed. Nor would it have been obvious to include rock protrusion in Price as this would interfere with the purpose of the invention as the shape of block is of high importance (see col. 5, lines 41-45). While Rygiel does teach the use of three dimensional rock shaped protrusions (Rygiel), these protrusions are formed of right angles, and are therefore not acute. Nor is the acute angle limitation an obvious variation, for the reasons described previously.

Additionally, the Applicant has amended Claim 1 to include the limitation of the artificial cover does not include a reinforcing liner in the material of the artificial cover. A negative limitation may be used when the boundaries of the patent are set forth defintively. See MPEP § 2173.05. The Applicant believes this is a valid negative limitation as the claims definitively state the "artificial cover does not include a reinforcing liner as part of the material." While Rygiel may be similar in appearance, Rygiel does require the use of the "reinforcing means", or reinforced fibrous material. See Abstract, Figures 8-10. The reinforcing means is further worked into the mixture or incorporated as part of the artificial cover, or in the matrix of the covers, as shown in Figure 8-10, col. 7, lines 20-30. Indeed, without the reinforcing means the cover in

Rygiel is useless and would be impossible to remove from the mold, as the brittle and hardened material disclosed in Rygiel would break and crack.

The Applicant has further amended and/or added claims including the "cover has a sufficient rigidity to prevent sagging upon securing the artificial cover to the underlying structure". The Applicant believes that none of the cited reference teach, suggest, or even motivate a sufficient rigidity. While Rygiel does teach a cover, attaching the Rygield cover to an underlying surface requires an industrial strength adhesive which spreads over the entire surface of the panel. (See Col. 8, lines 26-30) Due to the flexibility of the cover in Rygiel, if any of the surface of panel does not include the adhesive, those spots would be prone to sagging. In contrast, the rigidity of the Applicant's invention enables the cover to be screwed into the underlying structure at minimal locations.

It is believed that none of the prior art teaches the claimed invention. Furthermore, it is believed that the foregoing amendment has adequate support in the specification, and accordingly there should be no new matter. Applicant believes the pending claims have addressed each of the issues pointed out by the Examiner in the Office Action. In light of the foregoing amendment, the claims should be in a condition for allowance. Should the Examiner wish to discuss any of the proposed changes, Applicant again invites the Examiner to do so by telephone conference.

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Respectfully Submitted,

Michael W. Starkweather

Michael W. Starkweather
Registration No. 34,441
Attorney for Applicant

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Starkweather and Associates
9035 South 1300 East
Suite 200
Sandy, Utah 84094
Telephone: 801/272-8368